



State Animal Agriculture Program Assessments

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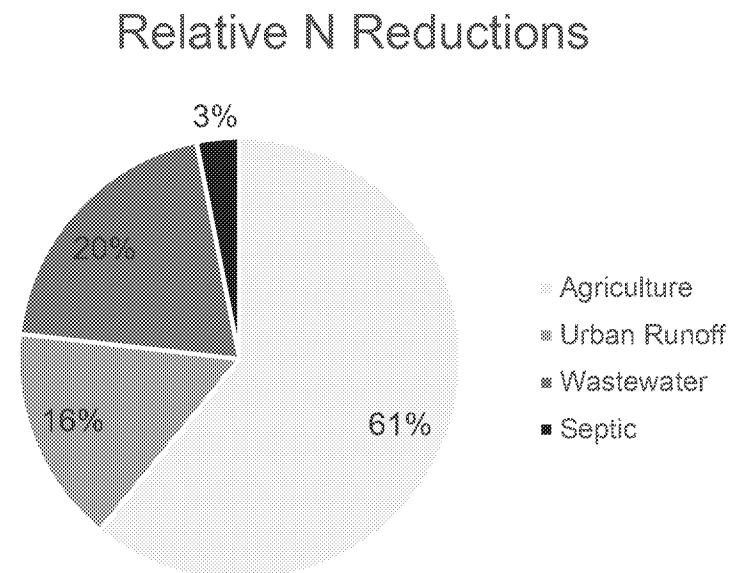
U.S. Environmental Protection Agency

State Animal Agriculture Program Reviews

- Conducted reviews of animal agriculture (AFO/CAFO) programs in all six Chesapeake Bay jurisdictions

State Animal Agriculture Program Reviews

- States are relying on agriculture to achieve roughly two-thirds of necessary nutrient reductions for the Bay TMDL.
- Strong animal agriculture programs are critical.



State Animal Agriculture Program Reviews

- Our goal for each state was to determine:
 - How well programs align with state Chesapeake Bay TMDL Watershed Implementation Plan (WIP) commitments
 - How effectively state programs are being implemented
- The information obtained from the assessment to be used in guiding state discussions on WIP goals and program improvements

State Animal Agriculture Program Reviews

- EPA evaluated:
 - Universe of farms covered by program
 - Program requirements
 - Staffing and funding to support program
 - On-the-ground implementation
 - Alignment with TMDL WIP practices

State Animal Agriculture Program Reviews

- Three key components of successful state agriculture programs
 - Regulatory programs
 - Voluntary incentive programs
 - State ag cost share programs

State Animal Agriculture Program Reviews

- Key components of regulatory programs
 - Field presence through regular inspections
 - Thorough inspections
 - Credible threat of enforcement for noncompliance
 - Escalating enforcement response
 - Annual reporting

State Animal Agriculture Program Reviews

- Field presence through regular inspections
 - Ensures that someone is checking farmer compliance to hold them accountable
 - Ex. CAFOs are required to be inspected once every 5-year permit cycle (20%), VA inspects ~500 VPA Permitted farms annually (~50%), MD inspects ~730 farms with NMPs annually (~14%)

State Animal Agriculture Program Reviews

- Thorough inspections
 - Inspections need to be thorough to ensure farmers don't just have required plans but are actually implementing the plans
 - Ex. VA and MD include compliance checks of 2-3 random crop fields to ensure that farmers are complying with NMPs at the field level

State Animal Agriculture Program Reviews

- Credible threat of enforcement for noncompliance
 - In some cases, informal enforcement works
 - However, the state should be willing to take enforcement in certain circumstances (ex. persist violations, serious/egregious violations, taking too long to voluntarily achieve compliance) in order to bring farm back into compliance

State Animal Agriculture Program Reviews

- Escalating enforcement response
 - If farmers do not comply, the state should be able to elevate to a stronger consequence/response
 - Ex. VA DEQ's Civil Enforcement Manual elevates from informal correction → warning letter → NOV → compliance agreement → Consent Order

State Animal Agriculture Program Reviews

- Annual reporting
 - Requires farmers to think about compliance even when an inspector isn't on site
 - Can be used to measure program progress, or to focus inspections/resources on particular farms
 - Ex. CAFOs must submit annual reports, DE and MD nutrient management programs require farms to submit annual summaries of the nutrient management activities

State Animal Agriculture Program Reviews

- Key components of voluntary incentive programs
 - Encourage/support farmers to go above and beyond regulatory requirements
 - Farmers receive something in return
 - Ex. MD Ag Certainty Program and VA Resource Management Plan Program offer farmers safe-harbor from future state requirements

State Animal Agriculture Program Reviews

- Key components of state ag cost-share programs
 - Need to have predictable annual program
 - Need to leverage other funding sources
 - Can be targeted to priority practices
 - Ex. MD focused on cover crops, VA focused on stream exclusion

Questions?

- All of the animal agriculture assessment reports can be found at:
- <http://www2.epa.gov/chesapeake-bay-tmdl/epas-assessments-animal-agriculture-programs-chesapeake-bay-watershed>